

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tetsuo NAGANO et al.

Group Art Unit: 1797

Appln. No. : 10/531,664

(U.S. National Phase of PCT/JP2003/013179)

Examiner: Moss

I.A. Filed : October 15, 2003

Conf. No: 1923

For : REAGENTS FOR THE MEASUREMENT OF PEROXYNITRITES

STATEMENT OF INTERVIEW

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

Applicants express appreciation for the courtesies extended by Examiner Vickie Kim and Examiner Keri Moss to Applicants' representative Arnold Turk during an April 30, 2009 telephone interview in connection with the above-identified application.

During the interview, the Examiners indicated that they had reviewed Applicants' Amendment Under 37 C.F.R. 1.111, filed April 9, 2009, and Applicants' representative indicated that the Statement of Interview would be filed shortly.

The rejection under 35 U.S.C. 112, second paragraph, was discussed and the Examiners were referred to Applicants' specification, at pages 5 to 6 wherein there is disclosure that compounds represented by the general Formula (I) and salts thereof are substantially non-fluorescent, whereas the dephenylated fluorescein compound and salts thereof have a property of emitting fluorescence of strong intensity. The Examiners were also referred to the disclosure that peroxy nitrites can be measured by reaction of the compound of Formula (I) or a salt thereof

with peroxy nitrite, and the fluorescence of the dephenylated compound or salt thereof can be measured. The Examiners thereafter indicated that the 35 U.S.C. 112, second paragraph, rejection would be withdrawn.

Regarding the 35 U.S.C. 102(b) and 103(a) rejections and the obviousness-type double patenting rejections, arguments were presented that the documents used in the rejections, which include WO 01/64660 which is cited and contrasted in Applicants' specification, do not teach or suggest measuring peroxy nitrites, and do not teach or suggest a method of measuring peroxy nitrites without being affected by NO or superoxide. Reference was also made to Table 1 on page 8 of Applicants' specification regarding such unexpected measurement.

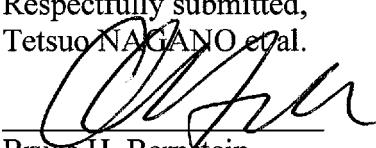
The Examiners indicated that the anticipation rejection would be withdrawn. Regarding the other rejections, the Examiners indicated that they would further review the record prior to making a decision.

Applicants therefore await an action on Applicants' Amendment filed April 9, 2009.

Authorization is hereby provided to charge any necessary fee for entry and/or consideration of this paper to Deposit Account No. 19-0089.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Tetsuo NAGANO et al.


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May 4, 2009
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